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September 6, 2012

Roger H. Nebel Forman, Perry, Watkins, Krutz & Tardy, PLLC 4900 Woodway Dr., Suite 940 Houston, TX 77056 Via Facsimile: (713) 621-6746

RE:

Pickering, et al. v. Union Pacific Railroad Co., Civil Action No. 1:11-cv-718-RC, United States District Court, Eastern District of Texas, Beaumont, Division.

Dear Counsel:

Pursuant to Federal Rule of Civil Procedure 30(b)(6) request is hereby made that you provide me with dates to depose your client's corporate representative(s) with most knowledge regarding the following areas:

- Membership, attendance, Association of American Railroads: (a) communications and participation with the Association of American Railroads. Specific reference is made to attendance of those individuals identified as being employed by Union Pacific or its predecessors and listed as being in attendance at the annual meetings of the Medical and Surgical Section during the years 1935, 1937, 1939, 1940, 1951, 1952, 1953, 1957, and 1958, Union Pacific's answer to Interrogatory No. 19, and documents produced by Union Pacific on September 4, 2012, in accordance with Court Order [Doc. No. 46] ] including the authenticity and/or lack thereof of each document produced, where the document were found, the manner in which the documents were located, the identities of the individual(s) who prepared the documents, and all other identifying information or steps taken to determine the authenticity of each responsive document produced by Union Pacific in response to that order.
- (b) Answer to Interrogatory No. 8: The identity and/or manufacturer of the asbestos-containing products identified by your client in response to Plaintiffs' First Set of Interrogatories, Interrogatory No. 8, including but not limited to: all documents relied upon in answering this interrogatory including, but not limited to: (i) prior pleadings in other cases; (ii) previous depositions or statements taken in prior cases, (iii) prior discovery responses in other cases, (iv) and other purchase orders, invoices, or other similar documents.

- (e) Health & Safety: Defendant's policies and procedures regarding occupational exposure to asbestos during the time that Plaintiffs were employed by Defendant; including but not limited to handling of asbestos/silien, working in the vicinity of airborne asbestos/silien, personal protective equipment, safety training, warnings (including MSDS sheets), medical evaluations or monitoring, and area or personal exposure monitoring for airborne dust concentrations.
- (d) Documents Produced by Defendant. Union Pacifie's Corporate Representative with most knowledge regarding the documents produced by Union Pacific on September 4, 2012, in accordance with Court Orders [Doc. No. 46 and 47] including the authenticity and/or lack thereof of each document produced, where the document were found, the manner in which the documents were located, the identities of the individual(s) who prepared the documents, and all other identifying information or steps taken to determine the authenticity of each responsive document produced by Union Pacific in response those orders. (In the alternative, please advise if Union Pacific is willing to stipulate to the authenticity of any of these documents).

Please provide me with a list of convenient dates in the month of September to schedule the deposition(s) of this individual(s). If I do not receive a timely response, I will have no alternative but to unilaterally notice these depositions at a place and time of my choosing. Accordingly, your prompt attention to this matter is strongly encouraged.

Hook forward to your prompt reply.

Sincerely,

Kirkland Sammons